

Jury Note #1 (Sep. 27, 2021) [In. A.335-338]

Counts 6, 11
9-27-2021
SM
JTL

NEW YORK STATE
SUPREME COURT-CIVIL TERM
NEW YORK COUNTY

JURY NOTE # 1

COMMUNICATION: *We the Jury.*

- Are Freddy and Mr Gomez the same person?
- legal definition of assault
- legal definition of battery

SIGNED BY FOREPERSON: [Signature]
TIME: 2:16 DATE: 9/27/21

DO NOT WRITE BELOW THIS LINE (COURT USE ONLY)

RE: Mates v Hirald

INDEX # 151150 / 2017

PART: 4

JUDGE: FRANK P NERVO COURT'S EXHIBIT # _____

Court 3
9-27-2021

JSC

So that means the elements of ASSAULT are, and what you must find is:

1. Defendant voluntarily threw punches at the plaintiff;
2. That when the defendant did that, he intended the plaintiff to become apprehensive that he was about to be harmed;
3. That the defendant had the real or apparent ability to carry out that threat to harm the plaintiff at that time; and
4. That the plaintiff actually had the apprehension of being harmed by the defendant at that time.

You must find that the plaintiff proved, by a preponderance of the evidence, all four of these elements before you can find defendant responsible for the allegation of ASSAULT.

To establish ASSAULT, the plaintiff does not have to prove there was a contact, only apprehension of contact, and the other three elements of assault that I have just defined assault.

A.336

D_000706

9-27-2021

Jm JC

So, therefore, the elements of battery that the plaintiff must prove by a fair preponderance of the evidence, are as follows:

1. There was an intentional offensive bodily contact, without that person's consent.

The intent required for battery is intent to cause a bodily contact that a reasonable person would find offensive.

An offensive bodily contact is one that is done for the purpose of harming another or one that offends a reasonable sense of personal dignity.

A.337

D_000707

7-21-21

Jm
js

NEW YORK STATE
SUPREME COURT-CIVIL TERM
NEW YORK COUNTY

JURY NOTE # 1COMMUNICATION: *We the Jury.**We have reached a verdict*SIGNED BY FOREPERSON: *Poly Howell*TIME: *3:50pm* DATE: *9/27/21*

DO NOT WRITE BELOW THIS LINE (COURT USE ONLY)

RE: *Mates* v *Hirald*INDEX # *151150/2017*PART: 4JUDGE: FRANK P NERVO

COURT'S EXHIBIT # _____

Verdict Sheet In. A.339-3471

Court Exhibit I
9-27-2021
JMS

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK : PART IV

-----X Index No.: 151150/2017
RAUL MATOS,

VERDICT SHEET

Plaintiff,

-against-

STEVEN HIRALDO,

Defendant.
-----X

1. Was the defendant acting in self-defense on Dec. 25, 2015?

Yes _____ No ☒

Jurors, after answering the above question will sign their name below.
At least five jurors must agree on the answer to this question

Juror #1 Jody Spartz
Juror #2 Rajee Hall
Juror #3 Marlyn Trubel
Juror #4 Louisa P. Young
Juror #5 Clark Shu
Juror #6 Jarvis Sanchez

I, the undersigned Juror, do not concur in the above verdict

If you find that the answer to this question is Yes, you have found for the defendant. Stop.
Do not answer any further questions and report your verdict to the Court.

2. Did the defendant commit an assault against the plaintiff?

Yes _____ No ☒

Jurors, after answering the above question will sign their name below.
At least five jurors must agree on the answer to this question

A.339

D_000709

Court Exhibit I
9-27-2021
JPMJK

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK : PART IV

-----X Index No.: 151150/2017
RAUL MATOS,

VERDICT SHEET

Plaintiff,

-against-

STEVEN HIRALDO,

Defendant.
-----X

1. Was the defendant acting in self-defense on Dec. 25, 2015?

Yes _____ No ☒

Jurors, after answering the above question will sign their name below.

At least five jurors must agree on the answer to this question

Juror # 1

Lady Stouzel

Juror # 2

Raquel Hark

Juror # 3

Marlyn T. Muller

Juror # 4

Louise B. Young

Juror # 5

Clark Jones

Juror # 6

Jaustin Sarker

I, the undersigned Juror, do not concur in the above verdict

If you find that the answer to this question is Yes, you have found for the defendant. Stop.
Do not answer any further questions and report your verdict to the Court.

2. Did the defendant commit an assault against the plaintiff?

Yes _____ No ☒

Jurors, after answering the above question will sign their name below.

At least five jurors must agree on the answer to this question

Juror # 1 Lady Howell
Juror # 2 Lance Hall
Juror # 3 Maureen Truller
Juror # 4 Louise P. Young
Juror # 5 Carrie Smith
Juror # 6 Jason Sacher

I, the undersigned Juror, do not concur in the above verdict

Continue to Question #3

3. Did the defendant commit a battery against the plaintiff?

Yes ☒ No ☐

Juror # 1 Lady Howell
Juror # 2 Lance Hall
Juror # 3 Maureen Truller
Juror # 4 Louise P. Young
Juror # 5 Carrie Smith
Juror # 6 Jason Sacher

I, the undersigned Juror, do not concur in the above verdict.

If you have answered YES to EITHER question 2 or 3, continue to question 4.

If you have answered NO to BOTH questions 2 & 3, you have found for the defendant. Stop. Do not answer any further questions. Report your verdict to the Court.

D_000711



4. Did the plaintiff contribute to the assault or battery committed against him?

Yes ☒ No ☐

Jurors, after answering the above question will sign their name below.
At least five jurors must agree on the answer to this question

Juror # 1 Jeddy Stowell

Juror # 2 Janice Miller

Juror # 3 Monique Amuloh

Juror # 4 Lorisa P. Young

Juror # 5 Tr. She

Juror # 6 Jessie Sanchez

I, the undersigned Juror, do not concur in the above verdict.

If you answered NO to question 4, proceed to Question 6.

If you answered YES to question 4, proceed to Question 5.

5. You may assign any percentage of blame to the defendant and to the plaintiff.
The total MUST equal 100%

What percentage of blame do you assign to the parties?

Defendant, Stephen Hiraldo 50 %

Plaintiff, Raul Matos 50 %
100%

Jurors, after answering the above question will sign their name below.

At least five jurors must agree on the answer to this question

Juror # 1 Jody Stovell

Juror # 2 James Holt

Juror # 3 William Trumble

Juror # 4 Louise P. Young

Juror # 5 Clark Smith

Juror # 6 Joson Sanchez

I, the undersigned Juror, do not concur in the above verdict.

Continue to Question #6

6. Were the defendant's actions a substantial cause of injury to the plaintiff?

Yes ☒ No ☐

Jurors, after answering the above question will sign their name below.
At least five jurors must agree on the answer to this question

Juror # 1 Lady Stovell

Juror # 2 Larjee Haek

Juror # 3 Shaulen Truller

Juror # 4 Louise P. Young

Juror # 5 Mr. Gray

Juror # 6 Jason Smith

I, the undersigned Juror, do not concur in the above verdict.

If you have answered YES to question 6, continue to question 7.

If you have answered NO to question 6, you have found for the defendant. Stop. Do not
answer any further questions. Report your verdict to the Court.

7. What amount do you award the plaintiff, Raul Matos, for past pain and suffering from the date of the incident, Dec. 25, 2015, until today? Write in the total amount awarded for past pain and suffering. If you chose not to award anything for past pain and suffering, write "None" in the space provided.

\$ 125,000 —

Jurors, after answering the above question will sign their name below.
At least five jurors must agree on the answer to this question

Juror #1

Juror #2

Juror #3

Juror #4

Juror #5

Juror #6

I, the undersigned Juror, do not concur in the above verdict.

Continue to Question #8

8. What amount do you award the plaintiff, Raul Matos, for future pain and suffering from the date of the incident until today? Write in the total amount awarded for future pain and suffering. If you chose not to award anything for future pain and suffering, write "None" in the space provided.

\$ 125,000. —

Jurors, after answering the above question will sign their name below.

At least five jurors must agree on the answer to this question

Juror #1 Jeddy Stowell

Juror #2 Janice Holt

Juror #3 Maureen Trindler

Juror #4 Louise P. Young

Juror #5 Chad Smith

Juror #6 Jayson Sacke

I, the undersigned Juror, do not concur in the above verdict.

If you make an award for future pain and suffering proceed to Question 9.
If you did not make an award for future pain and suffering STOP here and report your verdict to the Court.

9. If you made an award for future pain and suffering to plaintiff, Raul Matos, state the total number of years over which such amounts are intended to provide compensation?

Future pain and suffering 35 years.

Jurors, after answering the above question will sign their name below.

At least five jurors must agree on the answer to this question

Juror #1 Jody Spoor

Juror #2 Janice Hall

Juror #3 Matthew Trumble

Juror #4 Louis P. Young

Juror #5 Carl Dyer

Juror #6 Jason Suter

I, the undersigned juror, do not concur in the above verdict.

REPORT YOUR VERDICT TO THE COURT